

**Remarks/Arguments:**

The reissue Declaration which was filed on March 19, 2002 was found to be defective. A new reissue Declaration is enclosed. The claims have been rejected based on the previous reissue Declaration. In view of the newly submitted reissue Declaration, withdrawal of the rejection is respectfully requested.

The disclosure has been objected to. The disclosure has been appropriately amended. Withdrawal of the objection is respectfully requested.

Claim 18 has been objected to because of a naming error. Claim 18 has been appropriately amended. Withdrawal of the objection is respectfully requested.

Claims 17 and 18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Durden (U.S. 5,003,384) in view of Lett (U.S. 5,592,551). It is respectfully submitted, however, that these claims are patentable over the art of record for the reasons set forth below.

Applicant's Fig. 1 includes a server apparatus on the left side of the figure. The server apparatus includes information providing apparatus 2. Information providing apparatus 2 receives an information signal from the subscriber apparatus (shown on the right side of the figure). The information signal is capable of indicating that the output from the information providing apparatus is being directed to display terminal 10 without being recorded. The information signal is also capable of indicating that the output signal from information providing apparatus 2 is capable of being recorded in recording/reproducing apparatus 9. Subscriber mode recognizing apparatus 3 also receives the information signal from the subscriber apparatus and can identify from the information signal whether the output signal from information providing apparatus 2 is being provided to the display terminal without being recorded and is being provided to the recorder. Charging apparatus 4 charges a different amount in the case that the output signal is being provided to the display terminal without being recorded and the output signal is being provided to the recorder.

The outstanding Official Action rejects Applicant's claims by combining Durden with Lett. Durden allows a user to record a program (Pre-Buy) and to view a program (Buy). Durden does not disclose a charger which charges a different amount for the output signal to be provided to the display terminal and for the output signal to be provided to the recorder. Lett, Fig. 9 discloses a pay-per-view program ("Terminator") where the user is given the options of

purchase, record or watch. It should be noted, however, that neither recording nor watching can occur until the purchase is completed. In particular, Lett discloses at Col. 14, lines 53-55:

Of course, if the event is a pay-per-view event, a purchase sequence must occur before the program can actually be recorded or watched.  
(Emphasis Added).

Thus, Applicant's representative wishes to note that while Lett will permit one program to be viewed with no charge and another program to be recorded with a charge, the program being viewed (without being recorded) and the program being recorded are different programs.

Applicant acknowledges with thanks the courtesy extended to Applicant's representative by Examiner Parry during the personal interview.

During the course of the personal interview, the Examiner referred Applicant's representative to the preview option which is disclosed in the art of record. The Examiner's position was that a preview was a) free; and b) not recorded. The Examiner then referred to the scenario where a movie which could be recorded required payment of a fee while a preview of the movie could not be recorded and did not require a fee. On that basis, the Examiner took the position that the previous rejection of record was appropriate.

Applicant's representative has amended claim 17 to refer to "a program having a title." A program and a preview of that program are not the same thing. Applicant's claim thus recites:

... a charger which charges a different amount among a) in the case that said program having said title is provided to said display terminal without being recorded and b) in the case that said program having said title is provided to said recorder

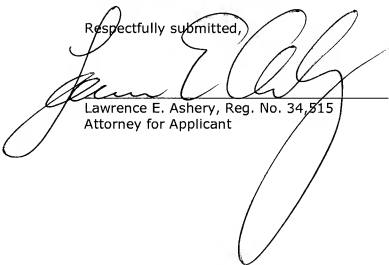
In the above quote of the claim language, the program being provided to the display terminal without being recorded is the same program as the program being provided to the recorder. This is different from the prior art of record where a preview (i.e. one program) is displayed while a full length version of a movie (i.e. another program) is being provided to a recorder. As the feature of charging different amounts (depending upon whether an identical program is being a) displayed without recording or b) recorded) is not disclosed by the art of record, claim 17 is patentable over the art of record.

Claim 18 is patentable by virtue of its dependency on claim 17.

Claim 19 is newly added and uses additional language to distinguish between a movie and a preview of that movie (i.e. "a shortened version of said program"). Again, the prior art distinguishes between previews and full length versions of movies that are previewed. The prior art does not charge different amounts for the same program. For this additional reason, claim 19 is patentable over the art of record.

In view of the amendments and arguments set forth above, the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,



Lawrence E. Ashery, Reg. No. 34,815  
Attorney for Applicant

LEA/dmw/nm

Enclosures: Status of Claims  
Reissue Declaration

Dated: December 17, 2009

P.O. Box 980  
Valley Forge, PA 19482  
(610) 407-0700

593613

**Status of Claims and Support for Claim Changes**

<b><u>Claims</u></b>	<b><u>Status</u></b>
1.	Cancelled
2.	Cancelled
3.	Cancelled
4.	Cancelled
5.	Cancelled
6.	Cancelled
7.	Cancelled
8.	Cancelled
9.	Cancelled
10.	Canceled
11.	Cancelled
12.	Cancelled
13.	Cancelled
14.	Cancelled
15.	Cancelled
16.	Cancelled
17.	Pending (Column 3, line 62 - Column 4, line 3)
18.	Pending (Column 3, line 65)

19. Pending (Column 3, line 62 - Column 4, line 8)